

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 80-46

ENFORCEMENT ORDER FOR ISSUANCE OF A TIME SCHEDULE TO
U. S. DEPARTMENT OF COMMERCE, NOAA
NATIONAL MARINE FISHERIES SERVICE
SOUTHWEST FISHERIES CENTER, TIBURON LABORATORY
TIBURON, CA, MARIN COUNTY

Order directing National Marine Fisheries Service-Tiburon Laboratory to comply with requirements prescribed by the California Regional Water Quality Control Board, San Francisco Bay Region Order No. 79-32 (NPDES Permit No. CA0037451).

The California Regional Water Quality Control Board, San Francisco Bay Region, finds that:

1. This Board on March 20, 1979, adopted Order No. 79-32 prescribing waste discharge requirements for National Marine Fisheries Service - Tiburon Laboratory (hereinafter discharger) in accordance with the statutory requirements of the Federal Water Pollution Control Act and the California Water Code. The NPDES permit contains an immediate compliance date for achieving the effluent limitations as required by the Federal Act.
2. The discharger has submitted evidence which documents that the above requirements contained in Order No. 79-32 cannot be achieved with the present facilities.
3. This Board on March 20, 1979 adopted Enforcement Order No. 79-33 which required, in part, that the discharger submit a schedule of actions to achieve compliance with requirements.
4. The discharger submitted a project report which proposed completing construction of septic tanks and leaching fields to handle the wastes by October 1, 1980.
5. The discharger has \$150,000 allocated for construction of the septic tanks and leach fields but San Francisco State has provided no funding and increased the number of people they reported would be using the sewerage facilities.
6. San Francisco State University must document the availability of its share of financing for construction of all necessary sewerage facilities and the discharger expects it to do so by October 15, 1980.
7. The discharger submitted a schedule for construction of facilities necessary to achieve compliance with requirements but did not define the specific actions to be taken.

8. The Board has notified the discharger and interested agencies and persons of its intent to adopt a time schedule for compliance.
9. The Board in a public hearing heard and considered all comments pertaining to this discharger's ability to achieve compliance.
10. The Board finds that this action is an order to enforce waste discharge requirements previously adopted by the Board. This action is therefore categorically exempt from the provisions of the California Environmental Quality Control Act (CEQA) pursuant to Section 15121 of the Resources Agency Guidelines.

IT IS HEREBY ORDERED, that in accordance with Water Code Section 13300 the discharger shall comply with Provision E.2 of Order No. 79-32 according to the following time schedule:

- A. The discharger shall comply with the following time schedule to assure compliance with Prohibition A.1.; Effluent Limitations B.1., B.2., and B.6.; Receiving Water Limitations D.1.a., D.1.c., D.2.a., D.2.c., D.2.d., and D.2.e.; and Provision E.1 of Order No. 79-32:

<u>Task</u>	<u>Completion Date</u>
1. Discharger shall document the availability of financing for construction of all necessary facilities	October 15, 1980
2. Discharger shall define the actions to be taken to assure compliance with Order No. 79-32 and include the following:	January 1, 1981
a. Report on whether the sewage from Tiburon Laboratory Site will be pumped to another entity for treatment and discharge, be treated in a treatment plant and discharged off Tiburon Laboratory Site to the Bay, or be discharged to septic tanks and leach fields on site.	
b. If sewage is to be pumped to another entity, name the entity and describe the agreements that will be necessary.	
c. If sewage is to be treated in a treatment plant of Tiburon Laboratory site, describe the following:	
(1) How 10 to 1 dilution will be documented and/or achieved	
(2) Outfall improvements that may be necessary	
(3) Treatment plant improvements necessary to achieve compliance	

- d. Number and type of people (residents, students, etc.) using the facilities and the loading for which facilities will be designed.
3. Discharger shall construct all facilities necessary to achieve compliance with requirements in accord with the following schedule:
- a. Start design February 1, 1981
 - b. Complete design June 30, 1981
 - c. Start design review July 1, 1981
 - d. Complete design review August 15, 1981
 - e. Advertise for bids August 30, 1981
 - f. Award contract November 15, 1981
 - g. Complete construction November 1, 1982
 - h. Full compliance December 1, 1982
- B. The discharger is required to submit to the Board by the fifteenth of every month, beginning October 15, 1980 a report, under penalty of perjury, on its progress toward compliance with this Order.
- C. This Order supersedes Enforcement Order No. 79-33, Order No. 79-33 is rescinded.
- D. This Order expires on July 1, 1983.

This Board declares that it shall not undertake further enforcement action to bring the discharger into compliance with effluent limitations immediately as contained in Order No. 79-32 provided:

- a. The discharger complies fully with all terms of the time schedule contained in this Order;
- b. The discharger complies fully with all terms of the permit with the exception of Prohibition A.1.; Effluent Limitations B.1., B.2., and B.6.; Receiving Water Limitations D.1.a., D.1.c., D.2.a. D.2.c., D.2.d., and D.2.e.; and Provision E.1. of Order No. 79-32;
- c. Circumstances do not occur which would warrant modification of the permit or time schedule; and
- d. Circumstances do not occur which would warrant action under Section 504 of the Federal Water Pollution Control Act.

The action taken by this Board pertaining to the time schedule does not preclude the possibility of actions to enforce the permit by third parties pursuant to Section 505 of the Federal Water Pollution Control Act.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on September 16, 1980.

FRED H. DIERKER
Executive Officer